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# EPA Mid-Atlantic Region Headlines

**Tuesday, August 11, 2015**

## \*\*\* DAILY HOT LIST \*\*\*

### **Pennsylvania examines options for cutting carbon emissions**

**PITTSBURGH POST-GAZETTE** In the days after President Obama and the Environmental Protection Agency announced final rules for cutting the nation's carbon emissions from power plants, Rob Altenburg, director of the environmental group PennFuture's Energy Center, did a few quick calculations to determine how close Pennsylvania is to meeting its final target, 15 years away. Based on recent and planned coal-fired power plant retirements and existing state programs for energy efficiency and renewable energy standards, "We're about halfway there," he said. "What's it going to take to get the other half? There are a ton of options." Pennsylvania is not among the states with either the hardest or the easiest paths to compliance with the new rule, which the Obama administration is calling the nation's most significant effort to curb emissions of the principal gas driving the world's changing climate. An analysis by SNL Energy that compared projections of what each state's emissions rate would have been in 2020 without the Clean Power Plan to its goal in 2030 under the new rule found that Pennsylvania will have to cut its emissions rate by 26 percent from where business-as-usual behavior would put the commonwealth in 2020 in order to meet the EPA's target. That puts Pennsylvania in a better position than neighboring Ohio or West Virginia, which will have to cut carbon emissions rates by 32 percent and 35 percent, respectively, from where they are expected to be in 2020 under current trends, the analysis showed. But it leaves Pennsylvania with a much harder task than neighboring New York, which is projected to be below its 2030 goal by 2020 by following through on practices that are already planned or in place. "On the face of it, our target doesn't look that different" from the proposal EPA announced in June 2014, said Kevin Sunday, manager of government affairs at the Pennsylvania Chamber of Business and Industry. But that doesn't mean Pennsylvania's path to compliance will be easy or that every option for meeting the EPA's target will be equal, he said. "The question isn't really are we going to have less carbon emissions in the future. We're going that way anyway," he said. "The question is how painful and expensive is the government going to make it on ratepayers and industry." Mr. Sunday said it is "reasonable to expect" that Gov. Tom Wolf's secretary of policy and planning, John Hanger, a former state Department of Environmental Protection secretary and a former president of PennFuture, will have a central role in developing the state's plan and is likely to pursue an aggressive strategy for adopting more sources of renewable energy.

## House Republicans push legislation to challenge EPA's Clean Power rules

**RICHMOND TIMES-DISPATCH** House Republicans in the General Assembly are ramping up their battle against the Environmental Protection Agency's Clean Power Plan regulations affecting the commonwealth. GOP lawmakers plan to introduce legislation for the 2016 General Assembly session that would require the legislature to approve and have oversight of Virginia's plan to comply with the regulations, which the EPA released last week. The Clean Power Plan calls for greater carbon dioxide cuts from U.S. power plants than those proposed a year ago, but it relaxes CO2 requirements for Virginia. The final plan allows Virginia 15 percent greater emissions than the previous plan — the result of lobbying by Gov. Terry McAuliffe and other leaders that the EPA was being too tough on Virginia, which has reduced emissions considerably in recent years. Environmentalists have praised the plan as a step toward protecting public health and promoting a clean-energy economy. But House Speaker William J. Howell, R-Stafford, said the latest plan will still “drive up energy prices and damage Virginia's already struggling economy,” affecting working families, seniors and small businesses. Howell said Virginia should “delay the implementation of any compliance plan while the regulations are being litigated and the General Assembly should have final approval and oversight of the plan.” Under the timeline set by the EPA, Virginia and other states can take as long as September 2018 before filing a plan for compliance with the new regulations. Depending on the details of the plan, it may or may not require the approval from the legislature to be implemented. The announcement of the proposed legislation is an opportunity for Republicans to sound a familiar theme during an election year: that they are prepared to fight what they consider federal government overreach and the policies of Democrats — in particular President Barack Obama, presidential candidate Hillary Clinton and McAuliffe, an ardent Clinton supporter.

## Editorial: Clean power: The U.S. must give Obama's plan a chance

**PITTSBURGH POST-GAZETTE** (Sunday) Before the ink had dried on the Obama administration's new plan to limit power plant emissions, business interests and their political allies began gearing up to fight the rules in court. But compared with the scale of human-created climate change, the plan is modest and anti-regulation politicians offer no credible alternatives. The Clean Power Plan unveiled last week marks the first national effort to slash climate-warming carbon emissions from power plants. The Environmental Protection Agency says it will reduce carbon emissions 32 percent below 2005 levels by 2030. State regulators will be allowed to create their own plans to achieve that goal, choosing from options such as increasing renewable energy production and trading emissions credits with other states, a market-based system that has drawn bipartisan support. Phasing out coal, the dirtiest form of power generation, will figure into many states' plans. That has riled the coal industry and other trade groups that know the heavy reliance on the dirty fuel is inconsistent with any solution to climate change. Gov. Tom Wolf said he will work with the Legislature, industry and citizens to fashion a specific plan for Pennsylvania, which has achieved a 12 percent drop in carbon emissions since 2008. Proximity to and greater use of Marcellus Shale natural gas will no doubt be part of the package.

The United States accounts for 16 percent of carbon emissions globally and has the highest rate of carbon consumption per person of any large nation. It's incumbent on America and other big polluters to lead global efforts to end reliance on fossil fuels. Together with Mr. Obama's vehicle-emissions standards, the Clean Power Plan is the most serious step any administration has taken to combat climate change. Fossil-fuel lobbies complain that regulation harms their business, but they fail to show how to address the life-threatening effects of climate change without it. What is their alternative?

## **Better 'flushing' guidance needed for spills, study says**

**CHARLESTON GAZETTE-MAIL** Government officials, public health agencies and drinking water utilities need to develop better procedures for "flushing" contaminants out of home plumbing systems following incidents like the January 2014 chemical spill on the Elk River, according to a new scientific paper published this week. No "science-based approach for recovering" from such incidents is currently available, according to the study, co-authored by Purdue University researcher Andrew Whelton, who investigated the impacts of the Freedom Industries spill as part of a team appointed by Gov. Earl Ray Tomblin. Scientists aren't sure what sort of "flushing" works best in different situations for varying contaminants or for different home-plumbing materials or configurations. "There is much opportunity in this field for future advancement," Whelton and his co-authors wrote. "Further development of an evidence-based methodology for premise plumbing decontamination is very much needed. "In light of recent large-scale drinking water contamination incidents as well as economic, social, and public health impacts they caused, additional research on premise plumbing decontamination is very much needed," the study said. The new paper was posted online Monday by the journal *Environmental Science: Water Research and Technology*, which is published by the United Kingdom's Royal Society of Chemistry. Co-authors were Purdue graduate student Karen Casteloos and Randi Brazeau, a professor at Metropolitan State University of Denver. Research for the paper was partly funded by the National Science Foundation and grew out of Whelton's work when, while at the University of South Alabama, he traveled to West Virginia in the days after the Freedom spill and later was picked by Tomblin to lead the West Virginia Testing Assessment Project, formed by the governor in response to growing public concerns during the regional water crisis. The study examined more than three dozen incidents over the last 40 years in the U.S., Canada, Israel and Italy that resulted in contaminated drinking water supplies, to determine what methods were used for cleaning out home plumbing systems and what scientific basis there was for those methods. Parts of the study focused on the West Virginia spill and on recent incidents in Washington, D.C., and Glendive, Montana. In those situations, researchers found differing approaches to flushing -- such as whether to flush hot or cold water, how long to run home water systems, and whether to ventilate homes during the process -- and said it "remains unclear what rationale was used to develop these three disparate approaches."

## **Delmarva paddle designed to help new Bay leaders navigate future efforts**

**CHESAPEAKE BAY JOURNAL** When Don Baugh and Tom Horton decided to circumnavigate the Delmarva Peninsula on kayaks a decade ago, they considered the trip as a birthday present to themselves. Horton, a veteran Bay writer and Bay Journal columnist, had just

turned 60. Baugh, a longtime outdoor educator at the Chesapeake Bay Foundation, was a spry 51, and wanted a closer look at the Bay grasses and migratory birds his organization was so invested in protecting. Ten years later, the longtime environmental leaders are doing the trip again. But this time, it's intended to be a gift for others. Baugh left the CBF and started his own nonprofit, the Upstream Alliance, which seeks to educate the next generation of leaders. So when the kayak expedition leaves Sandy Point State Park on Sept. 9, Baugh and Horton will be there. But so will Alex Crooks, an environmental educator, and Stephen Eren, manager of a bike-powered urban compost company. Both 25, they are recent Virginia Tech graduates... The expedition, which will also include philanthropists and conservationists Walter Brown, Mike Tannen and Turney McKnight in a chase boat, is not for the faint of heart. Participants will paddle 15–25 miles a day, some of it in the open Bay and the Atlantic, and will camp out for 26 of the 30 nights. Baugh said that when Horton and he did the paddle 10 years ago they trespassed and could camp each night. But this time, he wants to highlight the continuing struggle with lack of access to the Chesapeake. More than 90 percent of the shoreline is still privately owned. And while Chesapeake Conservancy and others have worked to improve access, it's still hard to reach the shores of the Bay.

## **Baltimore Shipyard's Benzene Lawsuit Against Steel Mill Ruled Timely**

**BNA DAILY ENVIRONMENT REPORT** Aug. 10 — A shipyard can proceed with new environmental contamination claims against the new owner of a neighboring steel mill, even though a prior ruling dismissed nearly identical claims as time-barred, a federal district court ruled Aug. 7. Whether the claims were timely in the first case isn't an identical issue to the timeliness in the second case, the U.S. District Court for the District of Maryland said. The defendants are different, and the complaint alleges that contamination has continued to migrate onto the shipyard's property since the new owner purchased the mill site, the court said. In 2004, SPS LP purchased Sparrows Point Shipyard near downtown Baltimore. In 2010, SPS sued several parties, including the former owner of an adjacent steel mill, Severstal Sparrows Point LLC, alleging benzene contamination was migrating from the mill site onto its property. The 2010 complaint included claims of negligence, trespass, nuisance and strict liability. In July 2011, the court dismissed the state law claims against Severstal as time-barred under the three-year statute of limitations. The court reasoned that SPS should have known of the contamination more than three years earlier. In 2014, SPS sued Sparrows Point Terminal, the current owner of the steel mill, alleging negligence, trespass, nuisance and strict liability for continuing migration of contamination from the mill site. SP Terminal moved to dismiss, arguing that the claims are barred by issue preclusion—a doctrine that prevents the relitigation of issues that have been resolved in prior litigation. Denying the motion, the court said, determining whether a complaint is timely depends on the specific factual context in which the statute of limitations applies.

## **Farmers markets: shrinking food's footprint**

**EPA MID-ATLANTIC HEALTHY WATERS BLOG** (By Jennie Saxe) On a sightseeing trip to Washington, DC, my family and I observed two unexpected sights, just steps from the

National Mall: a busy farmers market in some valuable downtown parking spaces and huge stalks of corn growing in a small garden plot right next to the sidewalk. Farmers markets and urban gardens are a great way to feed your family healthy foods and protect natural resources at the same time. Reducing the number of steps between you and your food means that less water and energy are needed to get the food onto your dinner table. The close connection between energy production, water supply, and food production has been described as the “energy-water-food nexus.” In fact, over 94% of water withdrawals in the United States are to support these three sectors. The energy-water connection has been the subject of past Healthy Waters blogs. And we’ve talked about the work that the agriculture community is doing to protect water quality, as well, since our farms are a vital part of our economy that rely on clean water supplies for their livelihoods and to feed the country. Let’s follow the food to find out how energy, food, and water connections all come together, by focusing on one of a cook’s favorite ingredients: butter. When you think of all of the steps that are involved in producing a stick of butter – from irrigation for the crops that feed the cows, to the processing of the butter itself, and its transport to your supermarket – energy and water are intricately involved in every step along the way. Globally, the water footprint of butter is estimated to be 5,553 liters of water per kilogram of butter. That is equivalent to about 167 gallons per quarter-pound stick – enough water to fill about 4 standard-sized bathtubs! What if there were fewer steps in the process? Imagine that the cows are grazed on grass pastureland, instead of on delivered feed and that the butter was made locally. Farmers markets bring fresh, local food right into the heart of communities, while minimizing the impact on our natural resources. While doing some research on the miniature corn field and farmers market that I stumbled upon, I found out that this week, August 2-8, was proclaimed National Farmers Market Week by the US Department of Agriculture. This week, get out to meet the hard-working farmers that grow your food at a farmers market near you!

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## PENNSYLVANIA

### **PHILADELPHIA INQUIRER**

Five Questions: Old water pipes and your health (Sunday) For all the excitement over high-tech drugs and surgical procedures, clean drinking water is one of the top life-saving health advances of the modern age. Yet billions do not have access to it. According to a June report by the World Health Organization, at least 1.8 billion people still drink water contaminated with feces. Philadelphia was one of the first cities in the U.S. to have a public drinking water supply provided by the government. It was begun in 1801 after a series of yellow fever epidemics killed thousands of people. Some pipes that date back nearly that far remain in use today. When two water mains burst this summer, inundating streets and basements and forcing evacuations, the age of pipes became a hot topic. Here to tell us more about the city's drinking water pipes is Christopher Crockett, deputy commissioner of planning and environmental services at the Water Department.

**1 How much pipe is under the city, and how old is it?** We have 3,047 miles of pipes, basically the distance from Philadelphia to the West Coast. Most of the pipes are four to 12 inches in diameter, but the main lines are 16 to 132 inches. We're talking big enough to drive a car through. Our records show we have some pipes dating back to the period of 1820-1830.

About 25 miles of pipe is pre-Civil War.

**2 How many miles do you replace every year, and how much does it cost?** Our program calls for replacing 28 miles a year. That costs us about \$44 million, roughly \$1.5 million a mile. Last year, we replaced 35 miles. A good rule of thumb is to replace about 1 percent of your system per year.

### **PITTSBURGH POST-GAZETTE**

Editorial: Clean power: The U.S. must give Obama's plan a chance (Sunday) Before the ink had dried on the Obama administration's new plan to limit power plant emissions, business interests and their political allies began gearing up to fight the rules in court. But compared with the scale of human-created climate change, the plan is modest and anti-regulation politicians offer no credible alternatives. The Clean Power Plan unveiled last week marks the first national effort to slash climate-warming carbon emissions from power plants. The Environmental Protection Agency says it will reduce carbon emissions 32 percent below 2005 levels by 2030. State regulators will be allowed to create their own plans to achieve that goal, choosing from options such as increasing renewable energy production and trading emissions credits with other states, a market-based system that has drawn bipartisan support. Phasing out coal, the dirtiest form of power generation, will figure into many states' plans. That has riled the coal industry and other trade groups that know the heavy reliance on the dirty fuel is inconsistent with any solution to climate change. Gov. Tom Wolf said he will work with the Legislature, industry and citizens to fashion a specific plan for Pennsylvania, which has achieved a 12 percent drop in carbon emissions since 2008. Proximity to and greater use of Marcellus Shale natural gas will no doubt be part of the package. The United States accounts for 16 percent of carbon emissions globally and has the highest rate of carbon consumption per person of any large nation. It's incumbent on America and other big polluters to lead global efforts to end reliance on fossil fuels. Together with Mr. Obama's vehicle-emissions standards, the Clean Power Plan is the most serious step any administration has taken to combat climate change. Fossil-fuel lobbies complain that regulation harms their business, but they fail to show how to address the life-threatening effects of climate change without it. What is their alternative?

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carbon emissions rates by 32 percent and 35 percent, respectively, from where they are expected to be in 2020 under current trends, the analysis showed. But it leaves Pennsylvania with a much harder task than neighboring New York, which is projected to be below its 2030 goal by 2020 by following through on practices that are already planned or in place. “On the face of it, our target doesn’t look that different” from the proposal EPA announced in June 2014, said Kevin Sunday, manager of government affairs at the Pennsylvania Chamber of Business and Industry. But that doesn’t mean Pennsylvania’s path to compliance will be easy or that every option for meeting the EPA’s target will be equal, he said. “The question isn’t really are we going to have less carbon emissions in the future. We’re going that way anyway,” he said. “The question is how painful and expensive is the government going to make it on ratepayers and industry.” Mr. Sunday said it is “reasonable to expect” that Gov. Tom Wolf’s secretary of policy and planning, John Hanger, a former state Department of Environmental Protection secretary and a former president of PennFuture, will have a central role in developing the state’s plan and is likely to pursue an aggressive strategy for adopting more sources of renewable energy.

#### Big power purchases, carbon limits could herald wave of new projects in Pennsylvania

FARMINGTON — The officials in hardhats and goggles craned their necks for a brief, stately ceremony taking place 256 feet overhead. Atop the steel tower of a wind turbine, a worker unfurled a flag bearing the District of Columbia emblem, while a cameraman shot promotional video from afar. Shortly after, operators activated the turbine, and the three, 144-foot fiberglass blades began revolving naturally in the breeze. “It’ll be at full speed in 60 seconds,” said Chris Long, site manager at the South Chestnut Wind Power Project. Developed by the renewables subsidiary of Spanish energy giant Iberdrola S.A., the cluster of 23 wind turbines are strung across a ridge in Fayette County, about a 20-minute drive south of Uniontown. The cause for celebration — which included a catered lunch — was an agreement with the D.C. government to purchase all the power generated by the 46-megawatt wind farm for the next 20 years. The deal will supply 35 percent of electrical consumption across the district’s roughly 500 buildings and score a big win for Mayor Muriel Bowser, a Chatham University graduate with a firm environmental agenda. “We wanted to help bring new renewable generation online,” said Mark Chambers, the mayor’s sustainability and energy management director. Such deals with wind farms are normally driven by local utilities and not municipal governments, he said. “This is far more significant. This sends a signal to the market that wind energy is possible.”

Letter: Pa. emissions inspections are a waste I echo the sentiments expressed by Charlotte Baldizar in the Aug. 4 letter “Keep Vehicle Stickers.” The crux of the letter was that if we are concerned about saving money for Pennsylvania drivers we should have the Thomas D. Larson Pennsylvania Transportation Institute at Penn State University research the outdated emissions testing program to justify the removal of the emissions inspection sticker rather than the vehicle registration sticker for Pennsylvania license plates. This really makes sense. A study of emissions-check findings conducted several years ago found a failure rate of about 3 percent, of which one-half were attributable to fuel cap failures associated with the check-engine light coming on. So much for the \$35-plus for the current emissions-check requirement. Saving money and tax dollars for Pennsylvania residents is central to what most of our politicians in Harrisburg would have you believe. Well, here is your chance, Mr. Legislator. Save your constituents \$35 or \$40 for those who are subject to this needless inspection. Please don’t attempt to justify these inspections by saying they discourage people from disconnecting the

emissions systems or that people won't know when they have a failed sensor or some other component. That is the purpose of the on-board computer already in place to announce the failure. This and other dumb excuses are no longer acceptable to justify this needless inspection. Mr. Legislator, this is your opportunity to put your constituents first, and if, by chance, there is not enough courage to change the law, then at least rename the sticker to the "useless emissions inspection sticker" — that way you are not making fools of the uninformed. The time to discontinue this antiquated inspection is now.

Letter: Building more bike lanes must be a priority for Pittsburgh Regarding the July 31 article "More Bike Lanes Coming to Oakland": Since moving to the city in 2013 to attend the University of Pittsburgh, I've grown to depend on my bike for transportation. Living more than a mile off campus is an affordable option financially, but making it to class and work on time requires some extra planning. Sure, Pitt offers shuttles to students living in Oakland, but in my case the number of stops along the way makes the trip take just as long as it would to walk to campus. So without a car, biking is the only time-efficient — not to mention environmentally and financially sustainable — option.

When prices tank, write downs flourish It's the season for oil and gas companies to look at their assets and decide they're not worth as much as they thought. Impairments have peppered company earnings over the past year, their mentions getting more frequent and the dollar amounts ballooning as commodity prices continue their descent. These one-time expenses result from a company's calculation that the costs it has capitalized to develop its assets are higher than the cash such development would bring in. The way things are going, 2015 is likely to see the most impairments in the past decade, said Paul O'Donnell, principal equity analyst at IHS Energy. Already, during the first half of the year, 66 U.S. companies examined by Mr. O'Donnell had nearly \$29 billion in impaired assets. Just one month into the second half of the year, the same group of companies wrote down another \$20 billion, which "puts 2015 on track to blow the 2008 peak out of the water," he said. When proved reserves — those the company knows are in the ground and have been or can be developed economically — shrink, so does a company's ability to borrow money, because such reserves are used as collateral for loans, according to Mr. O'Donnell. "The Marcellus guys actually screened pretty well — they looked safer than the other companies," he said.

### **PITTSBURGH TRIBUNE REVIEW**

Letter: Stop climate bickering I Regarding the editorial "EPA diktats: Pushing back": We need to step back and refrain from the partisan bickering over "power grabs" and "power plant diktats"

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### **WESA -- PITTSBURGH'S NPR STATION**

Shale Production Up, Drilling is Down, Investment Still Strong Pennsylvania Gov. Tom Wolf is hanging not only his budget proposal, but at least some of the state's economic future, on continued growth in natural gas production in the state, but rumors of gas being sold at 60 cents per thousand cubic feet (MCF) is prompting concern among many. Penn State Marcellus Center for Outreach and Research Director Tom Murphy said there is no single number where drillers stop working in the Marcellus Shale or any other shale formation in the state. Often the discussion centers on being viable below \$2.00 per MCF. Sales of \$.60 gas, if they ever existed,



do not seem to be the norm in Pennsylvania but \$1.25 per MCF for Marcellus Shale gas has been a reality for several months. "Most companies that are drilling in Marcellus right now, if not all companies, would tell you that the price environment that they are experiencing is a very difficult market for them to be operating right now," Murphy said. Murphy has seen a decrease in the number of wells being drilled in Pennsylvania compared to last year but he noted the volume of gas being produced is increasing year-over-year. "That is due to better and more efficient drilling techniques" and better personnel in the field, and high flow rates from Utica Shale wells said Murphy. More wells producing in the state is also a factor. Marcellus Shale wells are expected to produce gas for 25 to 50 years but about half of that gas comes out of the wellhead in the first two to three years, creating a parabolic production curve that slowly tapers to nothing according to Murphy. Production numbers are also expected to rise as more pipelines are laid across the state allowing drillers to more easily get their gas to market. Much of the investment in the region has been in the so-called midstream sector, which moves the gas, and in ancillary industries including water treatment facilities. Last week, Neptune Solutions Company announced it is establishing its new headquarters in Eighty Four, PA. It has committed to creating 30 new, full-time jobs over the next three years as a condition of receiving \$60,000 in Department of Community and Economic Development job creation tax credits. The company's products and technologies recycles fracking fluid on site to reduce the need to truck hundreds of thousands of gallons of water to and from the well pad. "All those pieces of the infrastructure are still being built in earnest throughout Pennsylvania and pretty much all of the contiguous states," Murphy said.

### **ERIE TIMES NEWS**

Pros and cons of high lake levels ERIE, Pa. -- Shorebirds scramble for habitat at Presque Isle State Park. Waves eroded part of Beach 10. And water has reached the trees near the head of Presque Isle Bay and has nudged close to the park's multipurpose path on the bay side. Those are some of the effects of higher-than-normal Lake Erie water levels this season. But there are some benefits. Boaters can launch easier from various points on the lake, including Shades Beach in Harborcreek Township. And they are less likely to hit rocks when they get out there. "For us, it is a benefit, because it is a more shallow area generally under normal conditions," Harborcreek Supervisor Dean Pepicello said. High water also means that dredging is not required in the Presque Isle State Park Marina, though Matt Greene, the park's operations manager, said the ferry slip at the Waterworks area is "still a little shallow" and will require some dredging this fall. Also, the park's paid interns, known as the "weed warriors," can spray aquatic herbicides in places they couldn't reach before, Greene said. The park's pontoon boat, for instance, can get to the Lagoon Bridge, or low bridge, in the southeast part of the park -- typically too narrow and shallow to reach with that boat, he said.

### **WASHINGTON OBSERVER-REPORTER**

West Penn Power project to support Robinson compressor project West Penn Power is building a new \$3 million transmission line to support the new MarkWest compressor station under construction in Robinson Township. In June, the Cecil Township Zoning Board voted unanimously to approve construction of the natural gas compressor station. The approval, which came with two dozen conditions on MarkWest, addressed air quality, noise, limiting hours heavy truck traffic can access the compressor station and other issues, ended a nearly five-year legal battle between the zoning board and the Denver-based company's request in November 2010 to

build a compressor station about a half-mile north of routes 980 and 50. On Friday, West Penn Power spokesman Todd Meyers said the new transmission line will connect to an existing transmission line to provide electrical service to the compressor station. As part of the project, crews are erecting 28 wood, steel and laminated transmission structures along the 1.7-mile route near Route 980 and Quicksilver Golf Course. In addition to the various working conditions to which MarkWest agreed, the three-member zoning board also asked for an annual air quality test to be performed by an independent third party consultant, and the company use electric, not gas-powered engines at the compressor station. Electric power cuts down on emissions and is quieter than gas engines. Meyers said the new transmission line is expected to be completed in September prior to the completion of the facility, which is expected to be in operation later this year. The facility will include up to eight engines and sound structures, piping, dehydration facilities, tanks and a vapor recovery unit. The compressor station will compress and transport gas to MarkWest's Chartiers Township processing facility. "The Marcellus Shale gas industry continues to generate jobs and bring new development opportunities to Western Pennsylvania," said West Penn Power President David W. McDonald in a statement. "This project is part of the work we are doing to help enhance our electric system to help us meet the growing demand for safe and reliable electric service now and in the future."

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## WASHINGTON, D.C.

### **WASHINGTON POST**

The boom in wind energy couldn't be coming at a better time The Obama administration's Clean Power Plan, released last week, requires the country to use a lot more renewable energy by the year 2030 — and a lot less coal. And right on time, two new reports published Monday by the Department of Energy find that one key renewable sector — wind — is booming, a development that can only help matters when it comes to reducing carbon emissions. The reports being released — including the 2014 Wind Technologies Market Report, published by Lawrence Berkeley National Laboratory — suggest that wind is being installed at a rapid rate, that its costs are plummeting, that its technologies are advancing, and that it is creating a growing number of jobs to boot. Wind energy in the U.S. is now at 66 gigawatts of installed capacity, according to the report — providing roughly 5 percent of total U.S. electricity demand. 66 gigawatts is enough electricity to power 17.5 million homes (a gigawatt is a billion watts). And, says Jose Zayas, who heads the wind and water power technologies office at the Energy Department's Office of Energy Efficiency and Renewable Energy, 13 more gigawatts are now "in the construction phase" and set to come online by 2016. For reference, in 2012, the U.S. had 1063 gigawatts of total installed electricity capacity, according to the Energy Information Administration. "It really dispels some of the past myths that you cannot have significant amounts of wind energy in the system — a variable source in the system — without really affecting the overall efficiency," says Zayas.

### **WASHINGTON TIMES**

Editorial: EPA river accident happens with little environmentalist outrage Figuring out who to blame when something goes wrong depends, as folk wisdom decrees, on whose ox is gored. That applies as well to oil spills and even contaminated water from abandoned copper and lead mines.

The Environmental Protection Agency, of all prospective villains, has ruined a pristine river in Colorado, turning it a bright orange, but it was only an accident. Accidents, after all, happen. We have the EPA's word on it. Ordinarily when there's an oil spill or release of pollutants into air or water, the EPA and its groupies race to the cameras to denounce and condemn the "corporate criminals" responsible. When, a month later, it turns out that the corporate crime was really an accident, with nobody to blame, there's rarely an attempt to repair a damaged reputation. Accidents just happen, after all. The accident happened when EPA workers were trying to drain and treat contaminated water in one of the thousands of abandoned copper and lead mines in Colorado. Somebody made a mistake, and released up to 3 million gallons of water contaminated with metals and other bad things into the Animas River, turning it bright orange and threatening fish, plant life and people who live downstream. EPA officials told everyone they don't know how serious the threat might be, but until they find out everyone should avoid the river.

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## DELAWARE

### **WILMINGTON NEWS JOURNAL**

Sen. Tom Carper proposes gas tax increase WASHINGTON – Sen. Tom Carper is continuing his push for a gas tax increase, this time with a new bill he introduced Thursday. The Delaware Democrat's legislation would increase gas and diesel taxes by 4 cents a year for four years and then index them to inflation. It would also extend and expand the earned income and child tax credits to balance the 16-cent cost of the gas tax increase. "I just happen to think that those of us who use our roads, highways, bridges and transit system should contribute toward their construction and maintenance," he said during an interview. Carper, a member of the Senate Finance Committee, has long called for a gradual increase in the federal gas tax to help boost the dwindling Highway Trust Fund, which is used to pay for the nation's transportation system. Funding for the trust fund has been uncertain and faced shortfalls as inflation and more fuel-efficient cars have diminished its purchasing power and revenue. Now 18.4 cents per gallon, the gas tax hasn't increased since 1993 and represents the primary source of funding for the trust fund. Carper's bill would make permanent the earned income and child tax credits and expand the earned income credit for childless workers and make it easier to claim for those who qualify. It would also index the child tax credits to inflation. Last year, he introduced a proposal to add 12 cents over three years as an amendment to legislation aimed at shoring up the fund, but the Senate Finance Committee did not consider his proposal. He attempted to add a gas-tax increase to transportation legislation again last week, but those amendments didn't get a vote, either. The six-year highway bill, which passed the Senate on July 30, would fund projects for three years through accounting maneuvers, fees and non-transportation-related funds, including the sale of oil from the Strategic Petroleum Reserve. Senate Majority Leader Mitch McConnell, R-Ky., has ruled out raising the gas tax.

### **DELAWARE CAPE GAZETTE**

Rehoboth commissioners to flush toilet ordinance Rehoboth Beach — The Rehoboth Beach commissioners are set to drop an ordinance that would have tied the number of residential off-street parking spaces to the number of toilets. The commissioners had previously tabled the

ordinance, which would have mandated a house with three toilets have two off-street parking spaces with one additional parking space for each additional toilet. Because the ordinance was still subject of a public hearing, the commissioners will formally have to vote against the ordinance at their Friday, Aug. 21 meeting. Commissioner Toni Sharp suggested forming an advisory committee to reexamine the ordinance, which the commissioners agreed with. All agreed that something needed to be done about density in residential neighborhoods. Commissioner Stan Mills suggested tying parking to the number of bedrooms, but said more discussion was needed.

Study: Millsboro overburdened with pollution (August 3) Millsboro — For more than two years, the grassroots group Protecting Our Indian River has been pleading for environmental justice in Millsboro. The group has raised thousands of dollars to fight a proposed poultry plant in court, enlisted the help of environmental attorney Ken Kristl and now has a health impact assessment completed by the University of Maryland to support its position that pollution is overwhelming residents in the Millsboro area. The recent study was presented to less than three dozen attendees at the Indian River Senior Center in Millsboro July 25. The study points to disparities in demographics in some of the highest polluted areas in the area surrounding the Indian River, and concludes that a new poultry processing facility would make matters worse for residents by negatively impacting soil, air and water quality. The assessment, completed between January and May 2015, outlines existing pollution sources and health data from local residents compared to existing pollution sources. Members of Protecting Our Indian River have repeatedly called for state officials to reconsider whether the area can handle any new sources of pollution. No representatives from state or local offices, with the exception of one Department of Natural Resources and Environmental Control employee, attended the July 25 presentation. Specifically, the study was completed to assess the potential impact of Allen Harim Foods LLC's proposal to process about 2 million chickens per week at the former Pinnacle Foods/Vlasic pickle plant, an officially designated brownfield site where studies already have found groundwater contamination.

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## WEST VIRGINIA

### **CHARLESTON GAZETTE-MAIL**

Better 'flushing' guidance needed for spills, study says Government officials, public health agencies and drinking water utilities need to develop better procedures for "flushing" contaminants out of home plumbing systems following incidents like the January 2014 chemical spill on the Elk River, according to a new scientific paper published this week. No "science-based approach for recovering" from such incidents is currently available, according to the study, co-authored by Purdue University researcher Andrew Whelton, who investigated the impacts of the Freedom Industries spill as part of a team appointed by Gov. Earl Ray Tomblin. Scientists aren't sure what sort of "flushing" works best in different situations for varying contaminants or for different home-plumbing materials or configurations. "There is much opportunity in this field for future advancement," Whelton and his co-authors wrote. "Further development of an evidence-based methodology for premise plumbing decontamination is very much needed. "In light of recent large-scale drinking water contamination incidents as well as

economic, social, and public health impacts they caused, additional research on premise plumbing decontamination is very much needed,” the study said. The new paper was posted online Monday by the journal *Environmental Science: Water Research and Technology*, which is published by the United Kingdom’s Royal Society of Chemistry. Co-authors were Purdue graduate student Karen Casteloos and Randi Brazeau, a professor at Metropolitan State University of Denver. Research for the paper was partly funded by the National Science Foundation and grew out of Whelton’s work when, while at the University of South Alabama, he traveled to West Virginia in the days after the Freedom spill and later was picked by Tomblin to lead the West Virginia Testing Assessment Project, formed by the governor in response to growing public concerns during the regional water crisis. The study examined more than three dozen incidents over the last 40 years in the U.S., Canada, Israel and Italy that resulted in contaminated drinking water supplies, to determine what methods were used for cleaning out home plumbing systems and what scientific basis there was for those methods. Parts of the study focused on the West Virginia spill and on recent incidents in Washington, D.C., and Glendive, Montana. In those situations, researchers found differing approaches to flushing -- such as whether to flush hot or cold water, how long to run home water systems, and whether to ventilate homes during the process -- and said it “remains unclear what rationale was used to develop these three disparate approaches.”

### **THE LOGAN BANNER**

Arch Coal to make upgrades to reduce pollution The U.S. Environmental Protection Agency and the U.S. Department of Justice (DOJ) announced that Arch Coal Inc., one of the nation’s largest coal companies, and 14 of its subsidiaries under the International Coal Group Inc. (ICG) have agreed to conduct comprehensive upgrades to their operations to ensure compliance with the Clean Water Act. The settlement resolves hundreds of Clean Water Act violations related to illegal discharges of pollutants at the companies’ coal mines in Kentucky, Pennsylvania, Maryland, Virginia and West Virginia. The states of West Virginia, Virginia and Pennsylvania are co-plaintiffs in today’s settlement. The companies will also pay a \$2 million civil penalty. “Today’s settlement is good news for water quality in the Appalachian region, and especially for the people living in the overburdened and underserved communities,” said EPA Regional Administrator Shawn M. Garvin. “It represents an important step forward by requiring these companies to take necessary actions to reduce pollution from their mining operations.” “This joint enforcement effort, with three states, has resulted in a settlement that will require changes that will benefit the health and environment of Appalachian communities for many years to come,” said Assistant Attorney General John C. Cruden for the Environment and Natural Resources Division. “Under the terms of the agreement, Arch Coal and its subsidiaries will pay a significant penalty, improve their pollution control systems and provide for independent monitoring and data tracking that will make it a better company and a better neighbor to these communities.” In addition to paying the penalty, under the proposed consent decree the companies must implement measures to ensure compliance and prevent future Clean Water Act violations, which will help protect communities overburdened by pollution, including:

### **HUNTINGTON HERALD DISPATCH**

Commentary: Clean Power Plan is a much-needed step in the U.S. News of President Obama’s Clean Power Plan was a great way to start last week for those of us concerned about global climate issues for the U.S. and the world. As an environmental scientist and plant ecologist, I

understand the problems humans have created in increasing atmospheric CO2 concentrations to more than 400 ppm, well beyond anything on record for the past million years or so, when concentrations varied between 180 and 280 ppm. These increases are almost entirely from human activities, particularly energy production. Global fossil-fuel carbon emissions in 1906 were 707 million metric tons; in 2006 they were 8.2 billion metric tons. I am also aware of the diminishing, yet vocal, segment of the U.S. that denies the inevitable heat-trapping nature of CO2 and other gasses, such as methane (CH4), nitrous oxide (N2O), and water vapor (H2O), which are far more effective at trapping heat than CO2 and with CH4 and N2O increasing at least as rapidly as CO2. I am certain that the deniers, very few of whom are scientists, are already preparing their FOX News-derived retorts to this column. Before they do, however, I have one challenge for them. First, a quick science lesson. These gasses have one thing in common: they comprise 3-5 atoms connected by single bonds, which makes them "wobbly." Their wobble causes them to absorb infrared radiation (i.e., "heat"). For simplicity, let's stick with CO2. When it's in the atmosphere, it can do little else but trap heat; if there were no CO2, there would be no liquid H2O on earth's surface - all ice. So, here's the challenge: describe a valid scenario of an atmosphere with ever-increasing CO2 that does NOT trap more heat.

Council looks to save recycling program HUNTINGTON - Huntington City Council's finance committee will meet sometime in the next week to try and find \$20,000 to help sustain the Cabell County Solid Waste Authority's recycling program. The decision came after Steve Zoeller, president of the solid waste authority's board of directors, made a direct appeal to the full council for help during a meeting Monday night. Cabell County's two other municipalities, Barboursville and Milton, have already agreed to contribute financially to help the program continue, but Zoeller said Huntington, the biggest city in the county and second-largest in the state, would be the key to keeping the program alive through the end of the 2016 fiscal year. The program began with a handful of drop-off bins in 2012, and now has 17 collection bins located throughout the county, most of which are typically over capacity, Zoeller said. Members of the community and Mark Buchanan, director of the solid waste authority, appeared at a council meeting July 28 to make a similar pitch to the council, but didn't have a solid dollar amount at the time.

### **ASSOCIATED PRESS (W. Va.)**

E. Panhandle partnership receives renewable energy grant MOOREFIELD, W.Va. – An Eastern Panhandle partnership has received a \$5,000 seed grant to develop renewable energy technologies. Eastern West Virginia Community & Technology College and Lost River Green Tech will use the funding to develop new ways to install wind and solar technologies. The grant also will be used to explore renewable energy's market potential in the region. TechConnect West Virginia's Innovation Transfer Consortium awarded the funding to the college and the Hardy County startup firm. Lost River Green Tech is part of the college's New Biz Launchpad. TechConnect executive director Anne Barth says in a news release that the seed grant program seeks to support work that is "close to commercialization" and has market potential.

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## MARYLAND

### **BALTIMORE SUN**

Editorial: A healthier way to fly Last week, the U.S. Environmental Protection Agency took the first step toward reducing greenhouse gas emissions from airplanes. The rule-making process will take months if not years, but the lingering question is, how will the proposed regulations fit with what other countries are doing about their aircraft? That commercial and private airplanes contribute to air pollution has never been in any serious doubt. Not only do their engines generate a considerable amount of carbon dioxide, the most common greenhouse gas, but they also produce harmful nitrous oxide, and even the water vapor contrails they leave behind can exacerbate the warming effect of their emissions. All told it's estimated that aircraft produce about 11 percent of all the greenhouse gas emissions from the transportation sector and 3 percent of total U.S. emissions. That may not put them in the same category as the far-more-numerous automobiles and trucks or the far-more-destructive coal-fired power plants, but it's a source that deserves to be addressed, particularly given the forecast growth of aviation — with federal authorities predicting a 49 percent increase in aviation fuel consumption between 2010 to 2035 even with the industry's fuel efficiency improvements of recent years. A United Nations agency, the International Civil Aviation Organization, has already been developing international standards and hopes to have a plan in place by sometime next year. The obvious advantage of this approach would be to standardize aircraft and their performance capabilities on a global scale. But there are doubts about whether these negotiated standards will be tough or timely enough, and given the international experience with climate change negotiations generally (and the difficulty of negotiating any multilateral agreements with enforceable timetables), those misgivings are well justified.

Mosquitoes carrying virus found in Bowie Mosquitoes carrying the West Nile virus were collected in a residential section of Bowie last week by Maryland Department of Agriculture staff members, state officials said.

### **CHESAPEAKE BAY JOURNAL**

Delmarva paddle designed to help new Bay leaders navigate future efforts When Don Baugh and Tom Horton decided to circumnavigate the Delmarva Peninsula on kayaks a decade ago, they considered the trip as a birthday present to themselves. Horton, a veteran Bay writer and Bay Journal columnist, had just turned 60. Baugh, a longtime outdoor educator at the Chesapeake Bay Foundation, was a spry 51, and wanted a closer look at the Bay grasses and migratory birds his organization was so invested in protecting. Ten years later, the longtime environmental leaders are doing the trip again. But this time, it's intended to be a gift for others. Baugh left the CBF and started his own nonprofit, the Upstream Alliance, which seeks to educate the next generation of leaders. So when the kayak expedition leaves Sandy Point State Park on Sept. 9, Baugh and Horton will be there. But so will Alex Crooks, an environmental educator, and Stephen Eren, manager of a bike-powered urban compost company. Both 25, they are recent Virginia Tech graduates... The expedition, which will also include philanthropists and conservationists Walter Brown, Mike Tannen and Turney McKnight in a chase boat, is not for the faint of heart. Participants will paddle 15–25 miles a day, some of it in the open Bay and the Atlantic, and will camp out for 26 of the 30 nights. Baugh said that when Horton and he did the paddle 10 years ago they trespassed and could camp each night. But this time, he wants to highlight the continuing struggle with lack of access to the Chesapeake. More than 90 percent of the shoreline is still privately owned. And while Chesapeake Conservancy and others have worked to improve access, it's still hard to reach the shores of the Bay.

Fairfax County's 'purple pipes' help reduce nutrients, water demand on Potomac (August 9) A golf course, five ball fields and a facility that burns trash to generate energy — each benefits from a Fairfax County water reuse program that provides the recycled liquid at discounted rates. And so does the Potomac River. The treated wastewater that goes onto the fields and into the generator's cooling towers would otherwise be discharged back into the river after being treated to meet pollution limits — a process that costs the county millions of dollars. By selling that treated water to another customer, the county actually makes money on the treatment process while finding another use for a resource that could be in short supply in the future. “We tend to be water-rich in this county and in Northern Virginia,” said Michael McGrath, director of the Wastewater Treatment Division of the county's Department of Public Works and Environmental Services. “Eventually, though, the population will reach a point where water resources will get tighter, so reuse is a way of helping with that.” Fairfax County is among a growing number of municipalities required to treat municipal wastewater to increasingly strict levels before discharging it into sensitive waterways, that are considering how reuse programs might help their bottom line.

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## VIRGINIA

### **RICHMOND TIMES-DISPATCH**

House Republicans push legislation to challenge EPA's Clean Power rules House Republicans in the General Assembly are ramping up their battle against the Environmental Protection Agency's Clean Power Plan regulations affecting the commonwealth. GOP lawmakers plan to introduce legislation for the 2016 General Assembly session that would require the legislature to approve and have oversight of Virginia's plan to comply with the regulations, which the EPA released last week. The Clean Power Plan calls for greater carbon dioxide cuts from U.S. power plants than those proposed a year ago, but it relaxes CO2 requirements for Virginia. The final plan allows Virginia 15 percent greater emissions than the previous plan — the result of lobbying by Gov. Terry McAuliffe and other leaders that the EPA was being too tough on Virginia, which has reduced emissions considerably in recent years. Environmentalists have praised the plan as a step toward protecting public health and promoting a clean-energy economy. But House Speaker William J. Howell, R-Stafford, said the latest plan will still “drive up energy prices and damage Virginia's already struggling economy,” affecting working families, seniors and small businesses. Howell said Virginia should “delay the implementation of any compliance plan while the regulations are being litigated and the General Assembly should have final approval and oversight of the plan.” Under the timeline set by the EPA, Virginia and other states can take as long as September 2018 before filing a plan for compliance with the new regulations. Depending on the details of the plan, it may or may not require the approval from the legislature to be implemented. The announcement of the proposed legislation is an opportunity for Republicans to sound a familiar theme during an election year: that they are prepared to fight what they consider federal government overreach and the policies of Democrats — in particular President Barack Obama, presidential candidate Hillary Clinton and McAuliffe, an ardent Clinton supporter.

Virginia solar power development lags neighboring states One of the country's fastest-growing



industries has largely bypassed Virginia in favor of its neighbors. Solar power installations, mostly large, utility-scale facilities, are responsible for a \$2 billion boost in the North Carolina economy and about 3,000 jobs in Maryland. Even Delaware, with about a tenth of Virginia's population, saw more solar panels spring up than in the commonwealth last year. But a change in how Virginia harnesses the sun's energy could be on the horizon, thanks to a combination of an expiring federal tax credit, new state policies and controversial clean energy regulations requiring power providers to cut down on pollution. Tech giant Amazon is planning a solar farm on Virginia's Eastern Shore that will be more than five times larger than the meager 14 megawatts currently installed across the state. Dominion Virginia Power, the state's largest utility, announced this year that it plans to spend \$700 million to build 400 megawatts of solar by 2020. That's enough to power 100,000 homes and is more than the amount installed during 2014 in North Carolina and Maryland combined. "There is no question that Virginia has been slow to adopt clean energy-friendly initiatives in the past," Gov. Terry McAuliffe said in a statement emailed to the Richmond Times-Dispatch. "As a businessman and an entrepreneur, I recognize the tremendous growth potential of clean energy industries, including solar, and my administration is working hard to grow these emerging sectors as part of our push to build a new Virginia economy."

Officials find second site in Dinwiddie that is polluting waters Virginia investigators have found a second site they say has polluted Dinwiddie County waters including Stony Creek. For about two weeks, the state Department of Environmental Quality has been investigating a farm from which, officials said, a type of hog food called a grain slurry ran into swampy waters leading to Stony Creek. The pollution discolored the water and caused a foul smell, the officials said. DEQ spokesman Bill Hayden said Friday that agency investigators, responding to a complaint of a bad smell, found that more of the hog food had run from a trench on a property nearby. At that second site, "tens of thousands of gallons" of the slurry ran into a Stony Creek tributary called Hawkins Run and on into Stony Creek, possibly last weekend or Monday, Hayden said. The site apparently was once a hog farm, and the owner indicated the slurry was in the trench to feed hogs, Hayden said. The trench is about 75 feet long, 4 feet wide, and a few inches to a few feet deep, he said. A connection, if any, between the two sites was not immediately clear. "That is what we are investigating, what is the extent of this," Hayden said. "We have two locations, and we are trying to determine if there is anything more to it." Health officials have warned the public to avoid Stony Creek because tests found high levels of fecal bacteria in the stream. Stony Creek is a tributary of the Nottoway River. The second pollution site is near Stony Creek just downstream from the first site. At the first site, just northeast of DeWitt, hog food mixed with hog waste ran off from a low, pondlike feeding area, apparently during a rain, according to the DEQ. The owner created an earthen berm this week to prevent future runoff, Hayden said. The DEQ is not naming the property owners because the case is under investigation. Ray Fernald, a biologist with the state Department of Game and Inland Fisheries, said experts from his agency and the federal Fish and Wildlife Service checked a handful of sites at Stony Creek on Tuesday.

Column: Virginia agriculture, farmers plow ahead for the bay Virginia's farmers have long been quality stewards of the land. Now, in growing numbers, they are becoming stewards of the Chesapeake Bay as well. Adapting to this new role has not been easy. Agriculture is Virginia's largest private industry, and for decades increased yields, flocks and herds meant increased fertilizer application, manure and field denuding. As a result, agriculture became a large

contributor of the commonwealth's nitrogen, phosphorus and sediment that makes its way into the Chesapeake Bay. As the Old Dominion continues its transition away from federal dependence under Gov. Terry McAuliffe's new Virginia economy push — an initiative that relies on increased investment and jobs-creation in agriculture and agribusiness — agricultural productivity will only increase. That productivity must grow hand in hand with environmental responsibility. **As science has** demonstrated the relationship between certain agricultural practices and impaired water quality — both in streams and in the Chesapeake — our farmers have for many years voluntarily implemented measures designed to reduce the nutrient and sediment loads into surrounding waterways and, ultimately, into the bay. Virginia has supported these efforts with cost-share funding for the exclusion of livestock from streams, the use of cover crops and no-till farming, the installation of riparian forest buffers and other best-management practices. These practices are showing a measurable impact on the health of the bay. A representative of the Chesapeake Bay Foundation stated on June 17 that "Virginia has definitely made great progress in reducing bay pollution, especially from waste-water treatment plants and agriculture." These positive signs indicate that the efforts of our farmers are bearing fruit, but more needs to be done, both within Virginia and throughout the 64,000-square-mile Chesapeake Bay watershed.

### **NORFOLK VIRGINIAN PILOT**

Tensions high at high tide: Rocks around private bayfront property impede public beach access  
NORFOLK -- If you like long walks on the beach, Willoughby might not be the spot for you this summer. At least not during high tide. A bayfront property owner erected a fence to the waterline at high tide, making it difficult for beachgoers to pass. A grouping of large rocks outside the fence makes it even more challenging - although there's disagreement about how the rocks got there. It's a tricky situation, as the fence is within the property line of owner Walter Arnemann. But erosion has left no walkable public right of way there at high tide. "It is quite a concern because people like to walk the beach," said Don Musacchio, president of the Willoughby Civic League, which asked the city for help in resolving the matter. "It's a tough balancing act - personal property rights and people's access to the beach and the water." The city is investigating the matter for violations of the Coastal Primary Sand Dunes and Beaches Act, which has restrictions to protect sand dunes and the beach. Arnemann rebuffs complaints about his fence. It's his property, he said in an interview at his home Thursday, and it offends him when people walk on it. "Anybody who complains about this, I'll come down with my lawn chair and sit on their front lawn and see what their reaction would be," he said. Arnemann said he has kept his yard fenced nearly to the property line since he moved in 15 years ago, although he's had to replace it more than once. But nearby residents say the fence has expanded over time and that this is the first summer it has prevented them from walking that stretch of beach at high tide. "He's added a lot onto it," said Paula Perry Smith, who lives nearby on Ocean View Avenue. "It has not been that far out this whole time." Even if Arnemann owns the land all the way to the waterline, "I don't see any purpose for it," said Sandy White, who lives on the beach about a quarter-mile from the property. "It's not being neighborly." Smith and White say they like to take walks on the beach and have been stymied by Arnemann's fence and the rocks that extend from it. "It's just so frustrating," said Smith, 54, a retired hair stylist. "It's made everybody mad."

### **FREDERICKSBURG FREE LANCE STAR**

Editorial: Adventures in nature ahead at Crow's Nest preserve in Stafford Intrepid paddlers

gained greater access by water to Crow's Nest Natural Area Preserve in eastern Stafford County earlier this year with the opening of a handicapped-accessible canoe and kayak launch off Brooke Road. Hikers, bird watchers and history lovers should be able to walk the 12 miles of trails on the peninsula bounded by Potomac and Accokeek creeks next year. This will be a wonderful addition to Virginia's system of parks and natural areas. Opening up Crow's Nest to the public on a regular basis has been a goal for county and state officials since 2009, when the purchase of nearly 2,900 acres was completed for \$34.1 million. Saving this unique tract had been talked about for decades before that. A \$400,000 grant from the Virginia Department of Transportation will pay for construction of a 1.6-mile gravel road to a parking area where the trails begin in the interior of the Crow's Nest natural area. Heretofore, people could get on the preserve managed by the state Department of Conservation and Recreation on only one weekend in the spring and fall, or by special request. "I think this road will get us where we want to go," said Stafford Supervisor Paul Milde, a longtime proponent of preserving Crow's Nest. Opening it to the public for day use is the next step. Other than adding some restroom facilities, he doesn't see a lot changing there. "I think this will work for a long time." The vision is for Crow's Nest to remain a natural area preserve—not a state park with a campground and other amenities. For those who have worked to save Crow's Nest, that's the way it should be. The land is much like it was when settlers first arrived to its shores.

### **HOPEWELL NEWS**

Plan in works to ease stench from landfill (August 7) PRINCE GEORGE — Much progress has been made in the efforts to stifle foul smells permeating from the Sussex County Landfill, however it may not be until November before the first cap in a \$30 million odor mitigation project is completely installed, according to officials giving an update at the Prince George Board of Supervisors meeting in July. In response to community residents reporting odor issues from the nearby landfill as far back as May 2014, it was discovered that higher gaseous outputs of hydrogen instead of methane were present in the normal break down process of trash at the site. This caused Atlantic Waste Disposal, the Waste Management Inc. subsidiary in charge of the Sussex County Landfill, to invest more funding than usual in the landfill to analyze the causes for the overpowering smell and take necessary measures to eradicate them. Lisa Kardell, the director of government public affairs for Waste Management, said that they are currently in the final preliminary stages before construction on a 30-acre plastic membrane over top of cell 6, the trash-filled portion of the landfill responsible for the heightened stench. "Regarding the temporary cap, while we're making progress ... due to the bad weather over the winter and then the significant amount of rain that we've had this spring, construction has been delayed a little," Kardell said. "And the nature of the current slope conditions, we needed to do some additional improvements with that before we can begin the construction of the temporary cap." Kardell added that they have purchased and installed a new neutralizer system, providing the site with three units and more than 350 nozzles for the purpose of neutralizing odors from the air.

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## **MISCELLANEOUS**

### **EPA MID-ATLANTIC HEALTHY WATERS BLOG**

Farmers markets: shrinking food's footprint (By Jennie Saxe) On a sightseeing trip to

Washington, DC, my family and I observed two unexpected sights, just steps from the National Mall: a busy farmers market in some valuable downtown parking spaces and huge stalks of corn growing in a small garden plot right next to the sidewalk. Farmers markets and urban gardens are a great way to feed your family healthy foods and protect natural resources at the same time. Reducing the number of steps between you and your food means that less water and energy are needed to get the food onto your dinner table. The close connection between energy production, water supply, and food production has been described as the “energy-water-food nexus.” In fact, over 94% of water withdrawals in the United States are to support these three sectors. The energy-water connection has been the subject of past Healthy Waters blogs. And we’ve talked about the work that the agriculture community is doing to protect water quality, as well, since our farms are a vital part of our economy that rely on clean water supplies for their livelihoods and to feed the country. Let’s follow the food to find out how energy, food, and water connections all come together, by focusing on one of a cook’s favorite ingredients: butter. When you think of all of the steps that are involved in producing a stick of butter – from irrigation for the crops that feed the cows, to the processing of the butter itself, and its transport to your supermarket – energy and water are intricately involved in every step along the way. Globally, the water footprint of butter is estimated to be 5,553 liters of water per kilogram of butter. That is equivalent to about 167 gallons per quarter-pound stick – enough water to fill about 4 standard-sized bathtubs! What if there were fewer steps in the process? Imagine that the cows are grazed on grass pastureland, instead of on delivered feed and that the butter was made locally. Farmers markets bring fresh, local food right into the heart of communities, while minimizing the impact on our natural resources. While doing some research on the miniature corn field and farmers market that I stumbled upon, I found out that this week, August 2-8, was proclaimed National Farmers Market Week by the US Department of Agriculture. This week, get out to meet the hard-working farmers that grow your food at a farmers market near you!

## **BNA DAILY ENVIRONMENT REPORT**

Toxic Mine Waste Release Triggered by EPA Estimated at 3 Million Gallons The release of toxic mine waste into the Animas River in southwest Colorado is estimated to be 3 million gallons—three times as large as initially thought. The EPA Region 8 office in Denver says it is working with the Agency for Toxic Substance and Disease Registry, in addition to other federal and state agencies, to determine the extent to which private drinking wells and wildlife are threatened by the spill, which has turned the Animas River orange. EPA investigators triggered the spill Aug. 5, while working to address toxic mining waste at the Gold King Mine.

Baltimore Shipyard's Benzene Lawsuit Against Steel Mill Ruled Timely Aug. 10 — A shipyard can proceed with new environmental contamination claims against the new owner of a neighboring steel mill, even though a prior ruling dismissed nearly identical claims as time-barred, a federal district court ruled Aug. 7. Whether the claims were timely in the first case isn't an identical issue to the timeliness in the second case, the U.S. District Court for the District of Maryland said. The defendants are different, and the complaint alleges that contamination has continued to migrate onto the shipyard's property since the new owner purchased the mill site, the court said. In 2004, SPS LP purchased Sparrows Point Shipyard near downtown Baltimore.

In 2010, SPS sued several parties, including the former owner of an adjacent steel mill, Severstal

Sparrows Point LLC, alleging benzene contamination was migrating from the mill site onto its property. The 2010 complaint included claims of negligence, trespass, nuisance and strict liability.

In July 2011, the court dismissed the state law claims against Severstal as time-barred under the three-year statute of limitations. The court reasoned that SPS should have known of the contamination more than three years earlier. In 2014, SPS sued Sparrows Point Terminal, the current owner of the steel mill, alleging negligence, trespass, nuisance and strict liability for continuing migration of contamination from the mill site. SP Terminal moved to dismiss, arguing that the claims are barred by issue preclusion—a doctrine that prevents the relitigation of issues that have been resolved in prior litigation. Denying the motion, the court said, determining whether a complaint is timely depends on the specific factual context in which the statute of limitations applies.

EPA Plans to Address Supreme Court MATS Decision by Spring 2016 The EPA intends to address a ruling by the U.S. Supreme Court on the legality of the mercury and air toxics standards by spring 2016, the agency tells a federal appeals court. The EPA says “extensive documentation” of the cost of the mercury and air toxics standards indicates that the agency will be able to meet an “ambitious schedule on remand” once the U.S. Court of Appeals for the District of Columbia Circuit decides how to proceed.

EPA to Propose De Minimis Standard for Greenhouse Gas Permits in 2016 The EPA plans to propose a de minimis threshold for its greenhouse gas permitting program in June 2016 after a federal appellate court denies industry groups' petitions to rehear lawsuits over the program. The U.S. Court of Appeals for the District of Columbia Circuit denies petitions from the Coalition for Responsible Regulation, Southeastern Legal Foundation and Competitive Enterprise Institute seeking a new hearing on legal challenges to the permitting requirements. The EPA must set a de minimis threshold—below which permits would not be required—because the U.S. Supreme Court limited the scope of the program.

States Seeking Clean Power Plan Extensions Must Demonstrate Outreach States seeking additional time to develop compliance strategies for the EPA's Clean Power Plan must first show that they have engaged with minority and at-risk populations. The Clean Power Plan establishes three criteria for states seeking an additional two years to develop their compliance plans, and among them is demonstrating outreach to environmental justice communities. Lisa Garcia, vice president of litigation for healthy communities at Earthjustice, says the EPA's placement of the engagement requirement early on in the process constitutes a safeguard.

## **GREENWIRE**

E&E launches updated Power Plan Hub Dozens of reporters have been working to update E&E's Power Plan Hub since U.S. EPA released the final rule Monday. The Power Plan Hub now features final goal information for each state, as well as updated summaries for more than 40 states. E&E staff will continue to report on reactions from state political leaders, agency officials, industry interests and environmental advocates. We've updated a [summary](#) of how the

Clean Power Plan works and revised fact sheets on [legal challenges](#) and [grid reliability](#) concerns. For an overview of changes made to the Clean Power Plan, read *EnergyWire*'s story from Monday (*EnergyWire*, Aug. 3). To read more about EPA's proposed federal plan for states that do not submit carbon-cutting proposals, read *ClimateWire*'s story from Tuesday (*ClimateWire*, Aug. 4). Check out the dozens of stories E&E reporters have written about the final rule on our [National Overview](#) page.

**FEDERAL AGENCIES: Poor-performing buildings hemorrhaging cash -- GAO** The government's landlord has been losing tens of millions of dollars each year on badly performing buildings, federal watchdogs have found. About 100 poorly performing federal buildings were responsible for average annual losses of almost \$36 million, according to a new [report](#) from the Government Accountability Office. Just 33 of those buildings accounted for the vast majority -- nearly 93 percent -- of the overall loss, the report found. Those 33 buildings lost \$100,000 or more annually between 2009 and 2013. Twelve of those buildings are located in Washington, D.C., and seven of those are associated with the White House. Among the reasons GSA buildings are losing cash are rent limitations, problems filling vacant space, and high operations and maintenance costs, according to GAO. The report found, however, that GSA has worked to improve buildings' performance by taking steps to move federal tenants into owned space, leasing space to non-federal tenants, and reducing operating and maintenance costs.

**WATER POLLUTION: EPA spill in Colo. river 3 times larger than first thought** U.S. EPA believes a spill it inadvertently caused led to nearly 3 million gallons of rust-colored wastewater entering a creek that feeds Colorado's Animas River, a threefold increase from initial estimates last week, an agency official said yesterday. An EPA team investigating mining contamination at the Gold King Mine north of Silverton in San Juan County accidentally triggered the spill Wednesday, ejecting the water contaminated with arsenic and other heavy metals into Cement Creek. Although EPA officials said last week that the blowout likely leaked 1 million gallons of contaminated water, EPA toxicologist Deborah McKean told the Associated Press yesterday that the agency increased its estimate based on a stream gauge from the U.S. Geological Survey. Although EPA will continue to monitor the Animas River for contamination levels, McKean said it was unlikely the spill "caused significant health effects" to animals in contact with the river because the brightly colored sludge moved fairly quickly downstream. The spill traveled 100 miles over the weekend as it crossed into New Mexico and will eventually reach Lake Powell, the San Juan River and the Colorado River. But officials in Durango, Colo., which depends on the Animas River for its drinking water, turned off an intake valve before the contamination reached it, Durango Mayor Dean Brookie said yesterday, according to *The Denver Post*.

### **ASSOCIATED PRESS**

**Methane-powered tractor could cut farmers' costs, emissions** VENARIA REALE, Italy (AP) — Luca Remmert's dream of running a self-sustainable farm is within sight. He produces energy from corn and grain near the northern Italian city of Turin and hopes in the not too distant future to run all of his eight tractors on methane generated at the farm. Remmert's 450-hectare (1,100-acre) La Bellotta farm has been testing a second-generation prototype of what will be the first tractor to run on methane, the T6 by New Holland Agriculture. Methane would be 30 percent cheaper than diesel. And for farms that produce their own bio-methane, the costs of fuel would drop to nothing. Bio-methane is a type of gas that is produced by the processing of organic waste — something farms have a lot of. The technology will likely be attractive to farmers in many

developed economies, particularly those that are turning to the production of biofuel due to a squeeze on profits on food products. "When the machinery is ready, I will be among the first customers," Remmert said recently at the farm, where New Holland was showing off the technology, scooping fermented biomass into the plant. The methane-run T6 would hit production in about five years, according to New Holland, which is a subsidiary of CNH Industrial NV, a company spun off from Fiat Chrysler Automobiles NV. Beyond cost savings, the new technology would be more environmentally friendly. The prototype produces 80 percent less pollution than a standard diesel tractor and would help fulfill future EU greenhouse gas targets, which are expected to require a 20 percent reduction across Europe by 2020.

### **CNN**

Pollution flowing faster than facts in EPA spill The mustard hue of the Animas River in Colorado -- the most visible effect of a mistake by the Environmental Protection Agency that dumped millions of gallons of pollutants into the water -- is striking. Just a glance at a photo of the orange-yellowish slush is enough to know that something seems wrong. Scientists will have to say just how wrong, and possibly dangerous, the contamination is, though five days after the spill answers are few. Just how polluted is the river? Is drinking water in peril? Are businesses dependent on the river out of luck? One question that has been answered is the size of the spill: more than triple than originally estimated. The U.S. Geological Survey reported the size of the spill to be more than 3 million gallons, compared with the initial EPA estimate of 1 million gallons. The EPA, which caused the accidental release of the contaminants Wednesday, said it continues to monitor the river. "Collection, transportation and lab analysis of metals in water is complex and time-consuming," the agency said in a statement. Cities in New Mexico are also at risk as the pollution flows from the Animas River into the San Juan River. A flyover with a specialized aircraft showed that the conditions on the Animas and San Juan rivers between Durango, Colorado, and Farmington, New Mexico, have improved, the EPA said.

### **NPR**

EPA Evaluates Impact Of Wastewater Spill In Colorado An estimated 3 million gallons of orange fluid that spilled from the Gold King Mine in Colorado has traveled from the Animas River in Colorado to the San Juan ...

### **USA TODAY**

EPA: We misjudged pressure in gold mine before spill GOLD KING MINE, COLO. — As 3 million gallons of heavy-metal laden water made its way into Utah and headed west to Lake Powell, Environmental Protection Agency officials met at the mouth of the Gold King Mine Monday afternoon to discuss last week's breach into a tributary of the Animas River. EPA on-scene coordinator Hayes Griswold explained to San Juan County, Colo., officials that an EPA team working at the mine on Wednesday underestimated how much pressure was hidden behind the debris that plugged the mine's entrance. He said the team was not attempting to dislodge the plug, but was instead attempting to stick a pipe into the top of the mine. The pipe would allow the team to safely pump liquid out of the mine for treatment, Griswold said. "We were very careful," he said, adding that he has 28 years of mining experience. However, the team removed too much material from the mine's roof, which caused the rupture, Griswold said. As reported, mustard-colored water polluted with toxic waste poured from the mine and emptied into nearby Cement Creek, which drains into the Animas River. The polluted waters were carried along the

Animas River through Durango, Colo., and then flowed into the San Juan River at the confluence of the rivers in Farmington, N.M., on Saturday morning. EPA officials announced Monday that public access to the Animas and San Juan rivers would continue to be closed until at least Aug. 17. New Mexico Gov. Susana Martinez Monday afternoon declared a state of emergency in San Juan County. Her declaration followed similar ones on Sunday in La Plata County, Colo., and by the Navajo Nation. "I had the chance to see the spill with my own eyes. It is absolutely devastating, and I am heartbroken by this environmental catastrophe," Martinez said Monday in a press release. "As I've said before, I am very concerned by EPA's lack of communication and inability to provide accurate information. One day, the spill is 1 million gallons. The next, it's 3 million. New Mexicans deserve answers we can rely on."